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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/484,730	01/18/2000	Bartfeld Eyal	2000-001	1034

23521 7590 12/14/2005

SALTAMAR INNOVATIONS
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EXAMINER	
BROWN, RUEBEN M	
ART UNIT	**PAPER NUMBER**
2611	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/484,730	EYAL, BARTFELD	
	Examiner	Art Unit	
	Reuben M. Brown	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *6/28/05*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *73-83,85-100,107-110,112 and 129-131* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *73-83, 85-100, 107-110, 112 & 129-131* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the Krisbergh '649, have been considered, but are not persuasive. Examiner points out that the device disclosed is a dual telephone and remote control. Therefore, whether or not the device is using its telephone function, it is still a telephone.

It was well known in the art for telephone to have multiple functions. Because a device has a function other than phone calling, does not mean that the dual device is not a telephone.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 120 & 121 are rejected under 35 U.S.C. 102(b) as being anticipated by Checco, (U.S. Pat # 5,859,898).

Considering claim 120, the amended claimed method for handling messages, adapted to operate in a TV messaging environment, comprising:

'using a telephone, recording a voice message in a TV messaging gateway located remotely to the premises in which the telephone is located' reads on the teachings of Checco, which teaches that a user may record a voice message with a telephone, such that the instant voice message is stored in a central location, i.e., the voice and data message storage 412, col. 8, lines 56-67 thru col. 9, lines 1-35.

'automatically packing the voice message into an e-mail message and sending the e-mail message' is broad enough to read on the disclosure of Checco that subscriber's in the system may have preference for a reception format of their messages. For instance, if a subscriber prefers to receive messages in an e-mail format, then all messages, including voice messages to the instant subscriber are packaged as e-mail messages, and sent upon request, see col. 9, lines 35-45.

Considering claim 121, in the data messaging system 304, at least voice and e-mail messages are received. The retrieved messages are then transmitted as outgoing messages, once they have been requested by the subscriber, col. 9, lines 1-67.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 73-83, 85-91 & 107-110 &112, are rejected under 35 U.S.C. 103(a) as being unpatentable over Checco, in view of Lovett, (U.S. Pat # 4,450,477) & Schussler, (U.S. pat # 4,150,254).

Considering claim 73, the claimed TV messaging gateway for handling messages, reads on the data messaging system 304 of Checco, which supports a plurality of types of messages col. 4, lines 20-38 & col. 4, lines 45-67.

'at least one terminal constructed to selectively display video signals on a TV screen', Checco, col. 10, lines 31-55, discloses the use of a set –top box 358, col. 4, lines 59-62 & col. 11, lines 1-8.

'upstream network capable of delivering user input signals from a remote location to the central location', Checco, col. 4, lines 11-67; col. 7, lines 19-30.

'TV messaging gateway adapted for operating in conjunction with a messaging server to store and forward the messages', Checco, col. 5, lines 65-67 thru col. 6, lines 1-20.

'message control interface adapted to couple the messaging server for controlling at least one message therein, such that the message has address information, which associates with at least one subscriber', reads on the communications entry point 302 and DSP 404, col. 6, lines 1-67 & col. 8, lines 58-67.

'video output module for generating video frame signals corresponding to the message or at least a portion of the message, for distribution over the downstream network to an addressable terminal', reads on the operation of the data messaging system 304, including PARS 408B, which can convert any message type to still video image frames, for transmission over a high-bandwidth, broadband network for delivery to the authorized requesting subscriber(s), col. 10, lines 21-67 thru col. 11, lines 1-10.

'input device interface connected to the upstream network for receiving user input signals and logic for directing the message between the message control interface and video output module' is met by the entry point 302 and DSP 404.

As for the claimed feature of operating in a TV distribution system, having a central location connected to a downstream network, Checco discloses at several instances that the data messaging system 304, may be connected to different communications networks 302 including high-bandwidth broadband networks, such as ISDN, but does not explicitly state that a TV or CATV network may be used. Nevertheless, Lovett teaches a system where subscribers access messages from a central server, using a CATV system, (col. 6, lines 25-67; col. 9, lines 41-65; col. 10, lines 4-30; col. 13, lines 3-25 & col. 14, lines 1-35). It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Checco using a CATV

system, at least for the known advantage of a higher bandwidth channel, which allows for more interoperability, as taught by Lovett, col. 5, lines 29-67 thru col. 6, lines 1-18.

It is noted that Lovett is particularly relevant since it also teaches transmitting user selected data messages as video still frames, to a subscriber's premise, (col. 11, lines 34-67). The data messages are sent on a standard TV channel, which allows the subscriber to receive and view the data using an unmodified TV set 110, see col. 13, lines 59-68 thru col. 14, lines 1-14. If the data messages are transmitted on a channel that is not standard VHF or UHF TV channel, (i.e. 2 thru 83), then a set top converter 163 is used down convert the data message at the user premise to one of the standard TV channels, then the data message is displayed on the unmodified TV set 110, col. 14, lines 64-68 thru col. 15, lines 1-9.

As for the further claimed feature that the video data is transmitted to a TV and not the calling device, Schussler, teaches the claimed subject matter, see Fig. 1 & col. 2, lines 44-56; col. 3, lines 4-50. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Checco, by transmitting the video data to a different device other than calling device, as shown by Schussler, at least for the desirable advantage of using the capabilities of a TV set, instead of a handheld video device.

Considering claim 74, see Checco col. 6, lines 1-15, voice and data message storage 412.

Considering claims 75 & 79, see Checco, col. 7, lines 19-29.

Considering claim 76, see Checco, col. 4, lines 24-64.

Considering claim 77, see Checco, col. 5, lines 1-26.

Considering claims 78 & 102, see Checco, col. 4, lines 11-38.

Considering claim 80, the CATV network of Lovett is a bi-directional TV distribution network, col. 11, lines 15-28.

Considering claims 81-82, Checco discusses the use of speech recognition technology, col. 7, lines 22-28 & col. 8, lines 44-50.

Considering claim 83, Checco discusses that one of the networks 320, may be the Internet col. 4, lines 11-54.

Considering claim 85, the claimed local module at the user premises at least reads on the GUI system in Checco that enables to the user to access messages, see Fig. 8 & col. 8, lines 44-55.

Considering claim 86, the claimed feature reads on Checco, col. 8, lines 58-65.

Considering claim 87, Checco notifies subscribers of messages, col. 5, lines 5-10.

Considering claim 88, see Checco, col. 4, lines 25-67, which meets the claimed subject matter.

Considering claim 89, Lovett teaches that the downstream network for transmitting message is a CATV network, col. 9, lines 41-67; col. 10, lines 59-68; col. 14, lines 1-35.

Considering claim 90, Checco teaches that the video messages may be sent as MPEG video, which reads on digital, col. 4, lines 45-51.

Considering claim 91, Checco teaches that the voice and data storage 412, stores user voice messages and they are retrieved and transmitted as messages, col. 9, lines 8-48.

Considering claim 107, see Checco, col. 10, lines 21-48.

Considering claim 108, the claimed feature of recording a voice message and automatically packing in an e-mail message is broad enough to reads on the discussion in Checco that a recorded voice message is at least partially converted to an e-mail, if that is the recipient's preferred reception format.

Considering claim 109, in Checco, a voice message may be input using a telephone, col. 8, lines 58-67.

Considering claim 110, the data messaging system 304, reads on the claimed unified messaging server, col. 4, lines 45-67.

Considering claim 112, the claimed feature reads on Checco, col. 6, lines 1-30.

6. Claim 92 is rejected under 35 U.S.C. 103(a) as being unpatentable over Checco, Lovett & Schussler , and further in view of Wagner, (U.S. Pat # 6,335,736).

Considering claim 92, Checco & Lovett do not teach providing a progress to indicate the status of a video reception. Nevertheless, Wagner teaches that when a subscriber is receiving a video, it is desirable to display a progress to indicate how much video has been delivered, see Abstract; Fig. 7 & col. 7, lines 9-18. It would have been obvious for one ordinary skill in the art at the time the invention was made, to modify Checco with the teachings Wagner, providing a progress indicator, at least for the improvement of keeping the subscriber informed of the status of his video download.

7. Claims 93, 99 & 129-130 rejected under 35 U.S.C. 103(a) as being unpatentable over Krisbergh (U.S. Pat # 5,999,970, herein after referred to as Krisbergh '970, in view of Krisbergh '649.

Considering claims 93 & 129, the claimed TV messaging gateway for handling messages, such that the gateway is adapted to operate in conjunction with a TV distribution system having a central location connected to a video downstream network constructed to carry video signals and distribute the signals to the plurality of terminals is met by the application server 68, which is located in the headend server 38 that transmits video and data services over a CATV system; see Fig. 1; Fig. 5; col. 5, lines 10-65.

The claimed terminal for selectively displaying a video signal on a TV screen, at least reads on the TV set 56, of Fig. 1, which displays TV programs selected by the subscriber. The claimed upstream network capable of delivering user input signals from a remote location to the central location is met by the discussion in Krisbergh '970 of a sender-subscriber sending video mail to a receiver, col. 4, lines 10-45; col. 5, lines 40-58 & col. 8, lines 61-664.

The claimed feature of the messaging gateway operating in conjunction with a messaging server that is constructed to store and forward messages, such that the gateway comprises a message control interface adapted to couple the messaging server for controlling at least one message, such that the messages have an attached address for being associated with at least one user is met by the disclosure of Krisbergh '970. The reference teaches the use of a post office 76 and caching engine 78 that stores and forwards e-mails, col. 5, lines 40-63.

The claimed feature of the messaging gateway operating in conjunction with a messaging server that is constructed to store and forward messages, such that the gateway comprises a

message control interface adapted to couple the messaging server for controlling at least one message, such that the messages have an attached address for being associated with at least one user is met by the disclosure of Krisbergh '970. The reference teaches the use of a post office 76 and caching engine 78 that stores and forwards e-mails, col. 5, lines 40-63.

Therefore additionally claimed feature of the messaging gateway, in conjunction with a messaging server, comprising a message control interface and controls the messages, such that the messages have address information, corresponding to at least one subscriber is also met by Krisbergh '970, col. 5, lines 40-68.

As for the additionally claimed feature of a telephone handset for user input, Krisbergh '970 teaches the use of a remote control. However the reference does not teach the use of a telephone keypad, as a user input device to enter user commands. Nevertheless, Krisbergh '649 discloses a combination of a remote control device and telephone handset, Abstract & col. 1, lines 41-55 & col. 2, lines & col. 3, lines 50-65. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Krisbergh '970, with the well known technology of a telephone handset as a user input device, at least for the desirable benefit of the convenience of such an arrangement, as taught by Krisbergh '649.

Considering claim 99, Official Notice is taken that at the time the invention was made, speech recognition technology for making user input signals via voice was very well known in the art. It would have been obvious for one ordinary skill in the art at the time the invention was

made, to modify the combination of Krisbergh '970, with the old art of speech recognition technology for taking voice input, at least for the known advantage of making the system more accessible to a wider range of users, such as those without sight.

Considering claim 130, the claimed centralized module reads on the application server 68 of Krisbergh '970, Fig. 3 & Fig. 5. The claimed local module is broad enough to read on the processing functions located within the set top converter 54 that enable the e-mail services, col. 8, lines 23-34.

8. Claims 94-98, 100 & 131 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krisbergh '970 and Krisbergh '649, and further in view of Krueger.

Considering claims 94 & 131, Krisbergh '970 only discusses a messaging system that handles standard e-mail. However, Krueger introduces a system that includes e-mail with multi-media such as audio & video, col. 5, lines 45-58. Therefore the messaging server in Krueger reads on the claimed unified messaging server; see col. 2, lines 24-35 & col. 3, lines 7-64. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Krisbergh '970, with the technology of adding multimedia content to an e-mail (col. 3, lines 36-40), requiring a unified messaging server, at least for the desirable benefit providing the users with a more expressive e-mail message.

Considering claim 95, Krisbergh '970 teaches that the upstream channels may utilize a CATV distribution network 12, which reads on the claimed subject mater, col. 8, lines 61-64.

Considering claim 96, in Krisbergh '970 the TV messaging gateway is comprised of a centralized module and a local module, located at the user premise, col. 5, lines 26-67 & col. 4, lines 31-56.

Considering claim 97, Krisbergh '970 optionally utilized a bi-directional TV network for two-way communications, col. 1, lines 45-60 & col. 4,lines 26-31.

Considering claim 98, Krisbergh '970 may be coupled to an IP network, col. 1, lines 35-41 & col. 4, lines 53-65.

Considering claim 100, Krisbergh '970 only discuss a messaging system that handles standard e-mail. However, Krueger introduces a system that includes e-mail with multi-media such as audio & video, col. 5, lines 45-58. Therefore the messaging server in Krueger reads on the claimed unified messaging server; see col. 2, lines 24-35 & col. 3, lines 7-64. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Krisbergh '970, with the technology of adding multimedia content to an e-mail (col. 3, lines 36-40), requiring a unified messaging server, at least for the desirable benefit providing the users with a more expressive e-mail message.

Continued Examination Under 37 CFR 1.114

9. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/28/05 has been entered.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Goto Teaches a video telephone.

Any response to this action should be mailed to:

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or faxed to:
(571) 273-8300, (for formal communications intended for entry)
Or:
(571) 273-7290 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown

REUBEN M. BROWN
PATENT EXAMINER